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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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ENGINEERED ROOF DE-ICING INC., a  
Utah Limited Liability Company,

Plaintiff,

v.

VALIN CORPORATION, a California  
Corporation,

Defendant.

**ORDER GRANTING IN PART [24]  
DEFENDANT'S MOTION TO DISMISS  
AND REQUEST FOR SANCTIONS AND  
DENYING [25] MOTION FOR ENTRY  
OF DEFAULT**

Case No. 2:20-cv-00181-DBB

District Judge David Barlow

Before the court is Defendant Valin Corporation's Motion to Dismiss Plaintiff Engineered Roof De-Icing Inc.'s First Amended Complaint; Request for Monetary Sanctions<sup>1</sup> and Defendant's Motion for Entry of Default.<sup>2</sup> The court considered the briefing, relevant law, and the parties' oral argument. For the reasons stated on the record at the conclusion of the October 6, 2020 hearing on the motions, Defendant's motion to dismiss is DENIED as to the dismissal WITH PREJUDICE of Plaintiff's first amended complaint. Defendant's request for sanctions is GRANTED. Within 14 days of this order, Defendant will file invoices documenting its reasonable fees incurred in preparing its motion to dismiss and reply in support of same, as well as in participating in the hearing on same. The invoices must be accompanied by an affidavit attesting to the accuracy of the fees. The invoices may be redacted to protect any

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<sup>1</sup> ECF No. 24, filed August 12, 2020.

<sup>2</sup> ECF No. 25, filed August 12, 2020.

privileged or work product information. Plaintiff will have 3 days from the filing of Defendant's invoices to file objections, if any, to the reasonableness of the fees. The court will then enter an order identifying the amount of sanctions it deems reasonable. Defendant's motion for entry of default is DENIED.

DATED this 14th day of October, 2020.

BY THE COURT



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David Barlow  
United States District Judge